

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHAWN T. MILLER,

Plaintiff,

-V.-

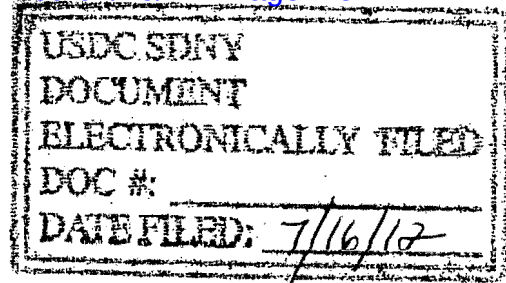
MICHAEL J. ASTRUE, Commissioner
of Social Security

Defendant
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DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon a Report and Recommendation ("Report") of United States Magistrate Judge Michael H. Dolinger, which was filed June 5, 2012. The Report recommends that the Court remand the case to the Social Security Administration ("SSA") for further proceedings under the fourth sentence of section 205(g), 42 U.S.C. § 405(g), for the specified purpose determining whether Plaintiff is entitled to benefits for the period between October 17, 2005 and October 17, 2007. (Report at 2, 11.)

According to 28 U.S.C. § 636(b)(1)(C), "[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations." 28 U.S.C. § 636(b)(1)(C); see also Fed. R. Civ. P. Rule 72(b)(2) (stating that "[w]ithin 14 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations"). Despite being advised accordingly in Judge Dolinger's Report and Recommendation, to date, no objections to the Report have been filed.



Having reviewed the Report, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation, Docket Entry No. 19, of United States Magistrate Judge Michael H. Dolinger, dated June 5, 2012, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety;

2. Defendant's Motion to remand is GRANTED in part, and DENIED in part;

3. Plaintiff's Motion to remand is GRANTED;


4. This case is hereby remanded to the SSA, pursuant to the fourth sentence of section 205(g), for further proceedings related to the period from October 17, 2005 and October 17, 2007; and

5. The Clerk of the Court is directed to close the docket in this case.

SO ORDERED.

DATED: New York, New York

July 16, 2012



Deborah A. Batts
United States District